

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRUCE CREAMER,

Plaintiff,

v.

CALIFORNIA STATE PRISON
DELANO,

Defendant.

No. 1:23-cv-00139-ADA-CDB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION FOR FAILURE TO PROSECUTE
AND FAILURE TO OBEY COURT ORDERS
(ECF No. 16)

Plaintiff Bruce Creamer is proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 20, 2023, the Magistrate Judge issued findings and recommendations, recommending that the Court dismiss this action due to Plaintiff's failure to prosecute and failure to obey court orders. (ECF No. 16.) Specifically, the findings and recommendations note that Plaintiff failed to keep the Court apprised of his current address, resulting in the return of the Court's first screening order on July 17, 2023. (*Id.* at 2–4.) Pro se parties are "under a continuing duty to notify the Clerk and all other parties of any change of address." E.D. Cal. R. 182(f). "Absent such notice, service of documents at the prior address of the . . . pro se party shall be fully effective." *Id.* If mail is returned to the Court as undeliverable, and the pro se party fails to notify the Court of an address change within sixty-three days, "the Court may dismiss the action

1 without prejudice for failure to prosecute.” *Id.* 183(b). The findings and recommendations were
2 served on Plaintiff’s address of record and contained notice that Plaintiff had fourteen days within
3 which to file objections. (ECF No. 16 at 5.) On October 5, 2023, the findings and
4 recommendations were returned to the Court as “Undeliverable, RTS, Inactive.” (See docket.)
5 Plaintiff has not filed objections or otherwise communicated with the Court, and the deadline to
6 do so has passed.

7 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a
8 de novo review of this case. Having carefully reviewed the file, the Court concludes that the
9 findings and recommendations are supported by the record and proper analysis.

10 Accordingly,

11 1. The findings and recommendations issued on September 20, 2023, (ECF No. 16),
12 are adopted in full;

13 2. This action is dismissed, without prejudice, due to Plaintiff’s failure to obey court
14 orders and failure to prosecute; and

15 3. The Clerk of Court is directed to close this case.

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17 IT IS SO ORDERED.
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19 Dated: October 25, 2023



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21 UNITED STATES DISTRICT JUDGE
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